

and the cited references, and respectfully submit that independent claim 1 is patentable over the cited references for at least the following reasons.

This invention is intended to improve a cover latch for a dispenser comprising a pull rod, a handle attached on one end to the pull rod, a support member attached to another end of the pull rod, a plurality of latches attached to the support member for engaging corresponding catches in the dispenser when the cover latch is in a locked position, and a plurality of springs attached to the support member for maintaining the cover latch in the locked position, wherein pulling the handle compresses the plurality of springs and disengages the plurality of latches from the catches to allow a cover of the dispenser to be opened, and closing the cover re-engages the plurality of latches and draws the handle against the dispenser.

The APA, as understood by Applicants, relates to a latch mechanism shown in Fig. 1. The latch mechanism utilizes a push bar that is depressed by a user to disengage latches and unlock the cover. The latches engage catches molded into the cover to lock the cover in place. The push springs bear against surfaces in the base of the dispenser. As the cover is closed, the catches formed in the cover contact and slide along the push latch ramps, the push springs are compressed, and the latch mechanism moves into the body of the dispenser. When the catches clear the end of the push latch ramps, the push springs expand and cause the latch mechanism to snap into the locked position. Fully depressing the push bar into the dispenser disengages the

push latch ramps from the catches and allows the cover to be opened. The push latch ramps are necessarily oriented toward the push bar in order to allow them to disengage from the catches when the push bar is depressed. Similarly, the push springs are necessarily oriented away from the push bar and toward the push latch ramps in order to compress when the push bar is depressed to disengage the latches.

The Office Action notes that the APA does not disclose a pull rod having a circular cross section, and by pulling the pull rod the latches are disengaged from the catches and, for that reason, Munson et al. is cited to show a pull rod having a circular cross section, and by pulling the pull rod, the latches are disengaged from the catches.

Munson et al., as understood by Applicants, relates to an improvement in a window spring, consisting in the arrangement of a bolt within a case, and projecting from the case, so as to pass into a notch cut in the face-side of the sash. The bolt is combined with a rod, which extends through the jamb and is provided with a shoulder, and passes through a rose or a plate. When the spring is drawn out by the rod, the shoulder on the rod may be dropped onto the plate, so as to hold the bolt withdrawn from the sash in order to enable a person to apply both hands to the raising or lowering of the window, as the case may be.

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art itself suggested the desirability of the modification. See In re Fritch, 972 F.2d 1260, 1266, 23

U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The motivation to modify cannot come from the present invention. See Heidelberger Drucksmachinen AG v. Hantscho Commercial Products, 21 F.3d 1068, 1072, 30 U.S.P.Q.2d 1377, 1380 (Fed. Cir. 1994).

It has been held that "[a] rejection based on section 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art . . . The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." In re Warner and Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (CCPA 1967).

The Office Action maintains it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pulling rod device in order to perform a pulling act, because it would be considered a design consideration and would have the same purpose of disengaging the latches from the catches in order to open or close the cover.

Applicants do not maintain they have invented a pull rod. It is the use of a pull rod, wherein pulling a handle attached to the pull rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser to allow a cover of the dispenser to be opened, and wherein closing the cover re-engages the plurality of latches and draws the handle against the dispenser that forms some of the important features of this invention, as set forth in amended independent claim 1.

Applicants respectfully submit that, even combining the APA with Munson et al., the subject matter of amended independent claim 1 is not disclosed. The APA provides no suggestion of any benefits to be had by incorporating a pull rod. On the contrary, the APA teaches away from using a pull rod and instead appears to show a push bar, presumably for depressing into the dispenser to disengage latches and unlock a cover. This is the typical design this invention seeks to improve. See specification, page 3, lines 7-16. Equipping the cover latch mechanism of the APA with a pull rod therefore directly contradicts the teachings of the APA since a pull rod would be unable to withstand the stress of pushing without simply bending or breaking in the middle. Closing the cover re-engages the plurality of latches and draws the handle against the dispenser, which is likewise not taught or suggested by the APA. See specification, page 6, lines 18-19, and page 8, lines 18-20. Further, installing a pull rod in the cover latch mechanism of the APA would necessitate reorienting the push latch ramps and the push springs 4, or the latch mechanism would not function at all.

Munson et al. is likewise completely silent regarding the benefits of use of a pull rod, wherein pulling a handle attached to the pull rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser to allow a cover of the dispenser to be opened, and wherein closing the cover re-engages the plurality of latches and draws the handle against the dispenser as in this invention. Incorporating such a pull rod in Munson et al. is useless since the Munson window-

spring would not operate as intended. The rod of Munson is specifically designed to work with a single window spring and must have a shoulder to allow the rod to be dropped onto a plate to hold a bolt withdrawn from a sash in order to enable a person to apply both hands to the raising or lowering of a window. The rod must be manually lifted from the plate to allow the spring to return the bolt into another notch in the sash whenever the sash presents such a notch to the bolt.

Providing the APA and Munson et al. with a pull rod, wherein pulling a handle attached to the pull rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser to allow a cover of the dispenser to be opened, and wherein closing the cover re-engages the plurality of latches and draws the handle against the dispenser would therefore contradict the teachings of both the APA and Munson et al.

Accordingly, for the above-stated reasons, it is respectfully submitted that amended independent claim 1 is patentable over the cited references.

Claims 3-10 depend from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claims 1 and 3-10 are also submitted to be patentably distinct thereover.

Reconsideration is respectfully requested of the rejection of claim 1 and 3-10 under 35 U.S.C. § 103(a), as being unpatentable in view of U.S. Patent No. 4,527,711 to Harrell.

Applicants have carefully considered the Examiner's comments

and the cited references, and respectfully submit that claim 1 is patentable over the cited references for at least the following reasons.

The Office Action notes that the APA does not disclose a pull rod having a circular cross section and that by the act of pulling the pull rod the latches are disengaged from the catches and, for that reason, Harrell is cited to show a pull rod having a circular cross section and that by the act of pulling the pull rod the latches are disengaged from the catches.

Harrell, as understood by Applicants, relates to an article dispensing machine for dispensing one article at a time, comprising a manually operable linearly movable pull bar and means for locking the pull bar. The pull bar is pivotally linked to traversing means which traverses supporting means which supports the article, for manually actuating the traversing means, the pull bar having affixed to it a member having equally spaced notches. The locking means has a pawl co-acting with the notches and has a locking position to prevent movement of the pull bar.

Applicants respectfully submit that, even combining the APA with Harrell, the subject matter of amended independent claim 1 is not disclosed. As discussed previously, the APA provides no suggestion of any benefits to be had by incorporating a pull rod.

Harrell is likewise completely silent regarding the benefits of use of a pull rod, wherein pulling a handle attached to the pull rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser to allow a cover

of the dispenser to be opened, and wherein closing the cover re-engages the plurality of latches and draws the handle against the dispenser as in this invention. Incorporating such a pull rod in Harrell is useless since the Harrell article dispensing machine would not operate as intended. The rod 11 of Harrell is specifically designed to be locked when the article dispensing machine is in the unlock position. That is, inward movement of the rod 11 is prevented by pawl 68 to prevent another article from being engaged on one coin deposit (Fig. 7 and col. 5, lines 29-36).

Providing the APA and Harrell with a pull rod, wherein pulling a handle attached to the pull rod compresses a plurality of springs and disengages a plurality of latches from catches in a dispenser to allow a cover of the dispenser to be opened, and wherein closing the cover re-engages the plurality of latches and draws the handle against the dispenser would therefore contradict the teachings of both the APA and Munson et al.

Accordingly, for the above-stated reasons, it is respectfully submitted that amended independent claim 1 is patentable over the cited references.

Claims 3-10 depend from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claims 3-10 are also submitted to be patentably distinct thereover.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 U.S.C. § 103(a), as being unpatentable over

the APA and Munson et al. in view of U.S. Patent No. 4,129,325 to Hern et al.

Applicants have carefully considered the Examiner's comments and the cited references, and respectfully submit that claim 2 is patentable over the cited references for at least the following reasons.

The Office Action notes that the APA and Munson et al. do not disclose an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle and, for that reason, Hern et al. is cited to show an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle.

Hern et al., as understood by Applicants, relates to a door latch for a cab whereby a door is held in an open position by the latch witch is operative by a handle passing through the cab having linear motion to operate a pawl having pivotal motion for engaging a detent on the door.

Claim 2 depends from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claim 2 is also submitted to be patentably distinct thereover.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 U.S.C. § 103(a), as being unpatentable over the APA and Harrell in view of Hern et al.

Applicants have carefully considered the Examiner's comments and the cited references, and respectfully submit that claim 2 is

patentable over the cited references for at least the following reasons.

The Office Action notes that the APA and Munson et al. do not disclose an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle and, for that reason, Hern et al. is cited to show an O-ring arranged around the pull rod to seal an opening in the dispenser through which the pull rod is pulled using the handle.

Claim 2 depends from claim 1 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claim 2 is also submitted to be patentably distinct thereover.

Attached hereto is a version with markings to show changes made to the claims by the current amendment.

The references cited as of interest have been reviewed, but are not seen to show or suggest the present invention as recited in the amended claims.

The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in cursive script, appearing to read "Jay H. Maioli".

Jay H. Maioli
Reg. No. 27,213

JHM:SL

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Claim 1 has been amended hereby to correct formal matters only as follows:

1. (Amended) A cover latch for a dispenser comprising:
a pull rod;
a handle attached on one end to said pull rod;
a support member attached to another end of said pull rod;

a plurality of latches attached to said support member for engaging corresponding catches in the dispenser when said cover latch is in a locked position; and

a plurality of springs attached to said support member for maintaining said cover latch in the locked position, wherein pulling said handle compresses said plurality of springs and disengages said plurality of latches from the catches to allow the cover of the dispenser to be opened, and closing the cover re-engages said plurality of latches and draws said handle against the dispenser.